

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**May 5, 2016**



**Planning Variance case no. PV16-08: Alberta Real Estate Holdings, Ltd.**

**CASE DESCRIPTION:** 7.3-inch variance from the minimum 7.5-foot side building setback that is generally required from side property lines on residential home sites, to legitimize the construction of a single-family home which extends within 6.89 feet from the northeast side property line

**LOCATION:** 501 Sulphur Springs Road, at the southeast corner of Sulphur Springs Road and Holick Lane

**LEGAL DESCRIPTION:** Lot 1 in Block 3 of the A.D. Doerge Addition to the City of Bryan

**ZONING:** Retail District (C-2)

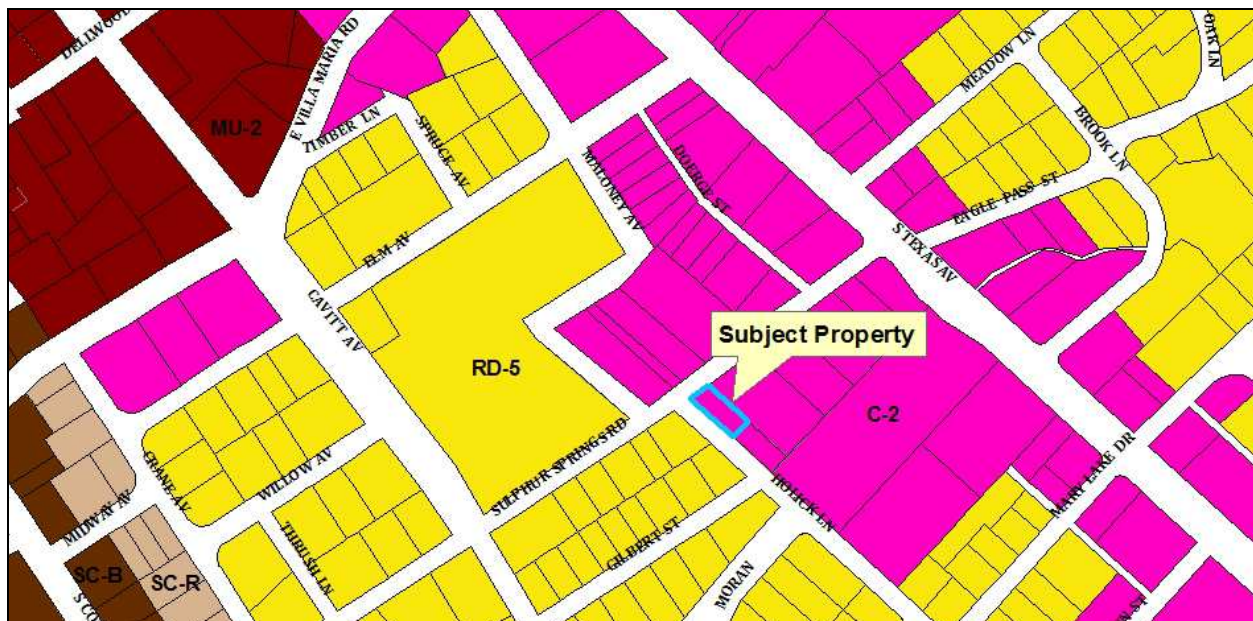
**EXISTING LAND USE:** single-family residence

**PROPERTY OWNERS:** Alberta Real Estate Holdings, Ltd

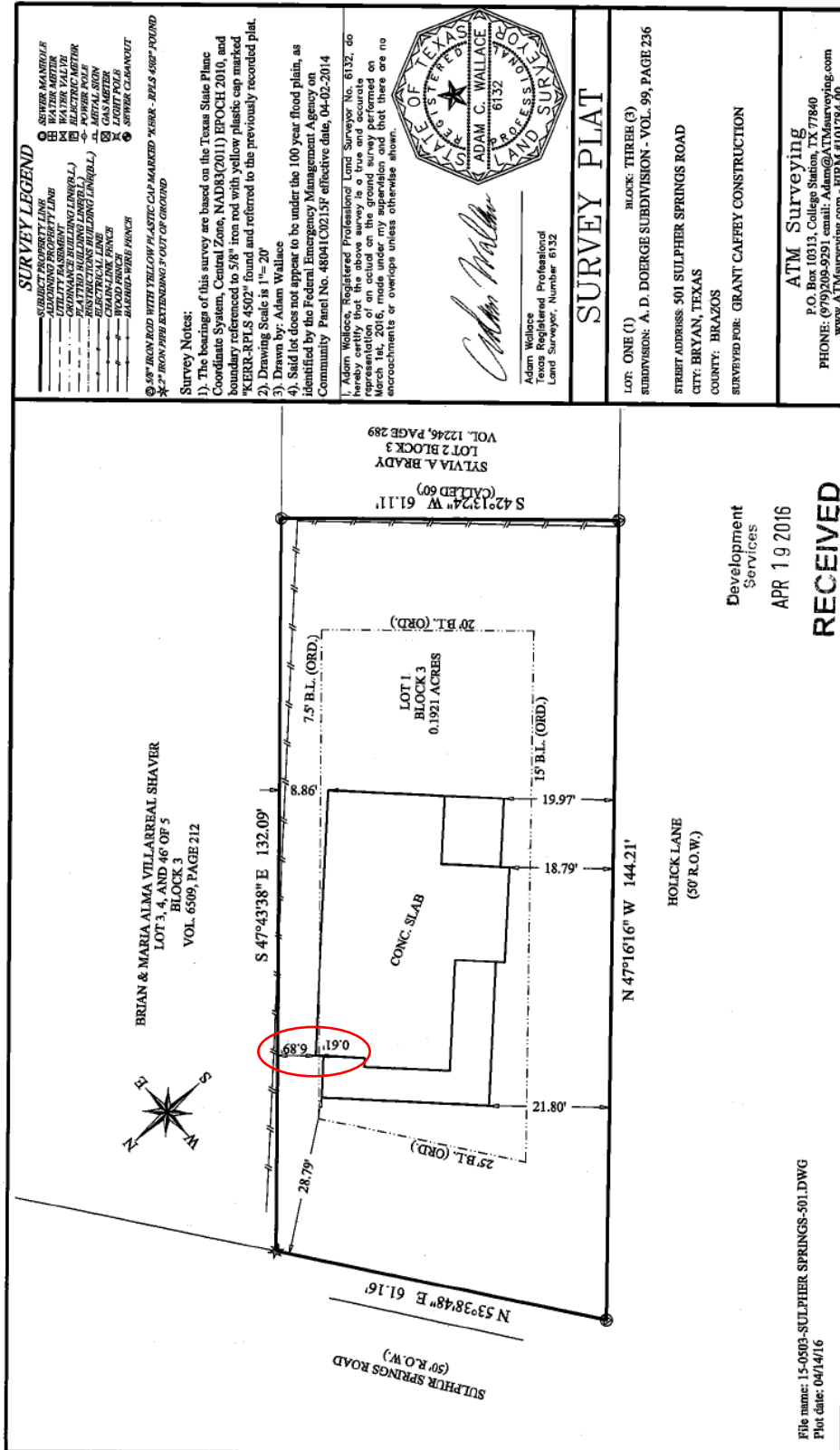
**APPLICANTS:** ATM Surveying – Adam Wallace

**STAFF CONTACT:** Randy Haynes, AICP, Senior Planner

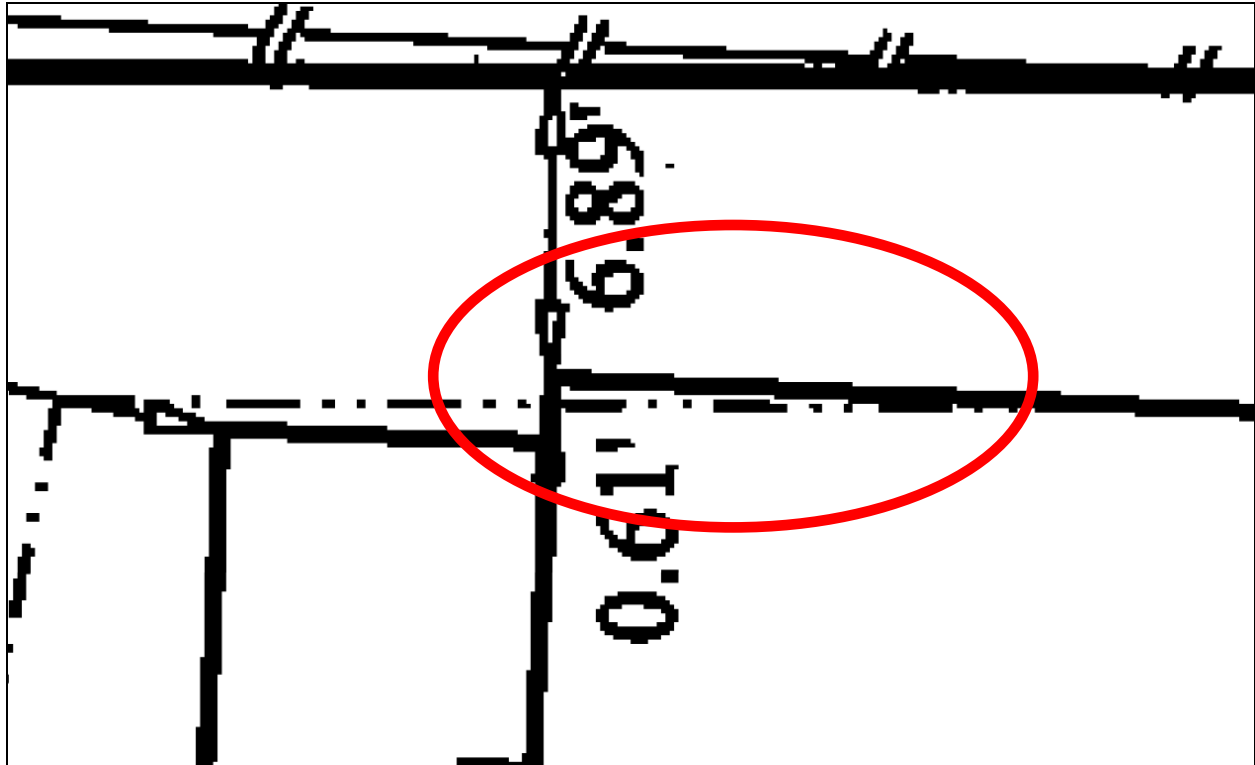
**SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested variance.



## PROPERTY SURVEY:



### DETAIL OF SURVEY DEPICTING ENCROACHMENT:



### BACKGROUND:

The subject property is located at the eastern corner of the intersection of Sulphur Springs Road and Holick Lane in a block that is zoned Retail District (C-2). Until earlier this year, there had been a one-story, 1100-square foot residence on the site. On January 7, 2016 the Planning and Zoning Commission approved a Conditional Use Permit to allow redevelopment of the property by replacing the existing single-family residence with a new, larger house.

Subsequent to the completion of the new house earlier this month, a survey of the property revealed an encroachment of the new house into the minimum required 7.5-foot side building setback area that is required from the subject property's northeastern side property line. The encroachment is the northeasternmost corner of the new house and at its widest point is 7.3 inches. The encroachment tapers to zero over a distance of about 6 feet and in all covers about 219 square inches.

The applicant is requesting approval of up to a 7.3-inch variance from the minimum 7.5-foot side building setback requirement to legitimize the construction of the new building at this location.

## **ANALYSIS:**

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

**It is the opinion of staff that the encroachment of the new home on the subject property, 7.3 inches closer to the side property line, will create no measurable detrimental impact to the public health, safety or welfare, or be materially injurious to properties or improvements in the area**

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

**It is the opinion of staff that the encroachment of the new home on the subject property, 7.3 inches closer to the side property line, will create no measurable detrimental impact to the public health, safety or welfare, or be materially injurious to properties abutting the subject property.**

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

**The only alternative to granting the requested variance would be to make significant changes to the already permitted and finished construction of this new single-family home. While maintaining minimum building setbacks in residential subdivisions remains important, strict enforcement of said standards in this particular case would appear to pose a significant hardship upon the owner/applicant without producing a significantly measurable public benefit.**

## **RECOMMENDATION:**

Based on all of these considerations, staff recommends **approving** the requested variance.